

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. BRIMA SYLLA,
CONNOR SPENCE, et al.,

Civil Case No.

Plaintiffs,

-against-

AMAZON LABOR UNION, and CHRIS SMALLS,
as President of the Amazon Labor Union,

Defendants.

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**SECOND DECLARATION
OF CONNER SPENCE IN
SUPPORT OF ORDER TO
SHOW CAUSE AND STAY**

CONNOR SPENCE, a plaintiff in this action declares, under penalty of perjury, as follows:

1. I was a founding member of the Amazon Labor Union.
2. In June 2022 I was the Treasurer of the Amazon Labor Union (ALU).
3. In my initial declaration I discussed the meetings that the Executive Officers had with counsel in June 2022 to Amend the first Amazon Labor Union Constitution, which was then filed with the US Labor Department. Ms. Singla, in her declaration seems to claim that she knew nothing about what was filed,
4. Our lawyers, including Ms. Singla, in fact, were anxious to have the LM1 form filed with the Labor Department prior to the start of the hearings addressed to the objections that Amazon had filed about the representation election.
5. Annexed as Exhibit M is a text message exchange I had with the ALU Vice President at the time, Angelika Maldonado, where I tell her that I am working on finalizing the new Constitution.

6. Annexed as Exhibit N is a text exchange I had with Retu Singla, and a group of ALU leaders on June 20, where I say that I filed the LM1. Ms. Singla says “awesome.” She was fully aware that it had Constitution 2 attached, even if I did not email her a copy of the attachment. The LM 1 submitted to the court contains a notation that it has “June 2022 Constitution “ attached. She never asked me what that was; she was entirely aware.

7. This is demonstrated by Ex. O, an exchange we had during the Objection Hearing, where Ms. Singla identifies a Constitution as Exhibit 298. She then says “Constitution was amended after the critical period, the period up through the completion of the NLRB vote, which was in March 2022. Constitution 1 was created in 2021. She was referring to Constitution 2, the one created in June 2022.

8. After the June 2020 amendments, the union reorganized as stated in Constitution 2. It eliminated one Vice President position, Michelle Nieves became Executive Secretary (a new position), and ALU began treating employees in Staten Island Warehouse LD5 as members.

9. How Constitution 3 was adopted is amply demonstrated by the text from Nicole Druda, an officer until recently, attached as Exhibit P. She states: “the Constitution is **ratified by the lawyers** and is on file in Washington.” I do not understand why my presence at a Board meeting in November 2022 is of so much importance. The fact was that on December 9, 2022 Chris Smalls presented Constitution 3 at an “General Membership Meeting,” which the members present had read while waiting for the meeting to start, and when someone stood up and asked whether the members would vote on this new Constitution and its many changes, Smalls said, roughly: “If you don’t like it you can leave.” All but two members present, Plaintiff Brima Sylla, Casio Mendoza, left. We have a tape of the meeting which confirms what I state.

10. Nicole Druda demonstrates confusion on the part of the current Board members (the makeup of which changes every week) Nicole thinks that an internal union election is the

same thing as a decertification election run by the NLRB. She sees an election as a contest between ALU and our Caucus, which she and Smalls, and others, frame as a rival union. This is why we have been threatened with expulsion.

11. I submit that at a hearing on these issues, most Board members in June 2022 will testify in support of what I have set forth in my two affidavits. Brett Daniels, , Madeline Wesley, and CassioMendoza, have confirmed to me that after the zoom calls with the legal team there was a consensus regarding the content of Constitution 2, and that it needed only to be proofread and formatted. They will also confirm that it was approved by the entire Executive Board, it was communicated broadly to members that the new constitution would be filed with the LM-1. In fact, the delay in filing the LM-1 was caused by the need to finalize the constitution. In addition to these people, the core non-officer members at the time (Justine Medina, Tristian Martinez, Pat Cioffi, Julian Mitchell-Israel, Kathleen Cole, Michael Aguilar) will affirm in affidavit, or on the stand, that were aware of the new constitution, approved of it, and understood that the structure of the union would be changed pursuant to its contents.

12. It is clear from the submissions by the Defendnats, that no one is challenging Plaintiffs description of how the 3rd Constitution was adopted, and it is this document which the union leadership relies on in refusing to call an election.

13. I should also note, with respect to exhaustion, that the two sides agreed on having a mediator help resolve the dispute. The mediator was Bill Fletcher. Fletcher is the former president of TransAfrica Forum; a Senior Scholar with the Institute for Policy Studies; and in the leadership of several other projects. He has worked for several labor unions in addition to serving as a senior staffperson in the national AFL-CIO. Fletcher is the co-author (with Peter Agard) of *“The Indispensable Ally: Black Workers and the Formation of the Congress of Industrial Organizations, 1934-1941”*; the co-author (with Dr. Fernando Gapasin) of *“Solidarity*

Divided: The crisis in organized labor and a new path toward social justice“; and the author of “*They’re Bankrupting Us’ – And Twenty other myths about unions.*” On the night before the mediation, the “Executive Board” pulled out, which is what led to this lawsuit. Mr. Fletcher’s angry memo to the ALU leadership is annexed as Exhibit P. The defendants and their lawyers have ignored his suggestions. There is nothing left to “exhaust” as far as internal union remedies are concerned.

Dated: July 13, 2023

/s/ Connor Spence
Connor Spence